



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**VIA UPS**

**JAN 21 2015**

**Signature required**

Mr. Steve Poorman  
Air Liquide-MEDAL  
305 Water Street  
Newport, DE 19804

**Re: Notice of Violation  
Compliance Evaluation Inspection  
August 20, 2013  
EPA ID No. DED984071282**

**Docket Number: R3-15-NOV-RCRA-04**

Dear Mr. Poorman:

On June 11, 2014 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Delaware Regulations Governing Hazardous Waste (DeRGHW) and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at Air Liquide-MEDAL (the Facility). A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that the Facility is violating regulations promulgated under DeRGHW and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation(s) are:

1. During the inspection of the ISO-Octane distillation area the inspector observed 2 containers holding waste ISO-Octane. According to the Facility they were waiting to be sent through the distillation system. The containers were marked 6-3 for the date the material was placed in to the container. However; these containers were not marked with the words "Hazardous Waste" on them. Each container while being accumulated must be marked with the with the words "Hazardous Waste" as required by DeRGHW §262.34(a)(3) [40 CFR 262.34(a)(3)]. See pages 3 and 4 and photos 7 and 8 of the inspection report.

**Area of Concern**

An area of concern identified with hazardous waste satellite accumulation areas in laboratory 3 and 4. During the inspection the facility indicated the waste generated in laboratory 4 is collected in a satellite accumulation area (SAA) and then taken to the other SAA in

laboratory 3. Generators may not move hazardous wastes between SAAs; see attachment "Frequent Questions About Satellite Accumulation Areas".

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

Within thirty (30) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak (3LC70)  
U.S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103



Carol Amend, Associate Director  
Land and Chemicals Division  
Office of Land Enforcement



Date

Enclosure

cc: S. Forostiak (3LC70)  
K. J'Anthony (DNREC)

